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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/898,341	07/03/2001	David A. Jones	659/866	2473

7590 01/19/2006  
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EXAMINER

HUG, ERIC J

ART UNIT PAPER NUMBER

1731

DATE MAILED: 01/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.



### **DETAILED ACTION**

In view of the Remand to the Examiner dated August 25, 2005, the Appeal Brief filed on December 2, 2003, and the Reply Brief filed on February 17, 2005, PROSECUTION IS HEREBY REOPENED. New grounds of rejection are set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

  
STEVEN P. GRIFFIN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 1700

***Response to Arguments***

Applicant's arguments, see Appeal Brief and Reply Brief, with respect to the applied prior art have been fully considered and are persuasive. It is recognized in particular that if any of the applied references disclose the existence of a surface active agent with a ketene dimer, then the disclosed surface active agent is part of the formulation for making the ketene dimer sizing agent. Applicant has already clarified that a ketene dimer sizing agent is comprised of a ketene dimer and a surface active agent. Thus, the surface active agent used in making a ketene dimer sizing agent is not the claimed surface active agent.

No surface active agents other than those used in the making of the ketene dimer sizing agent have been identified. Therefore, all rejections under 35 U.S.C. 102(b) and 103(a) set forth previously have been withdrawn. The rejection of claims under 35 U.S.C. 112, second paragraph, and the rejection under the judicially created doctrine of obviousness-type double patenting have also been withdrawn.

***Claim Rejections - 35 USC § 102***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

1. Claims 1-5, 7, 8, 17, 18, and 20-22 are rejected under 35 U.S.C. 102(b) as being anticipated by Ampulski et al (US 5,246,545).

Ampulski discloses processes for making soft, absorbent tissue paper. The tissue is made from furnishes comprising softwood (long fibers) and hardwood (short fibers). Additives are selected from the groups of strength additives, absorbency additives, and softener additives, and mixtures thereof. Softener additives are given at column 17, lines 1-53. Included among the softener additives are numerous surfactants (surface active agents). Absorbency additives are given in column 19, line 35 to column 20, line 12. Absorbency additives are used to enhance or decrease the rate of absorbency of the tissue. Among the absorbency additives are alkyl ketene dimers, which are used to decrease the rate of absorbency. It is clearly disclosed in Ampulski that an absorbency additive can be used with a softener additive. Thus, Ampulski teaches a soft, absorbent tissue having a surface active agent and a ketene dimer sizing agent.

The tissue is prepared preferably to have an absorbency rate of less than 10 seconds (column 21, line 10). Up to 2.0% of absorbency additives can be used. Example 1 illustrates a multi-layered tissue comprised of three layers, including at least one layer of predominately short papermaking fibers and a layer of predominately long papermaking fibers. The multi-layered tissue is made on a Fourdrinier with multi-chambered headbox. An aqueous slurry of the fibers not containing the additives is delivered onto a forming wire from which water is removed. The additives are applied onto the web following drying and creping.

2. Claims 1, 4-8, 17, 18, 20, and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by Trokhan et al (US 5,840,403).

Like Ampulski discussed above, Trokhan discloses processes for making soft, absorbent tissue paper. The tissue is made from furnishes comprising softwood (long fibers) and hardwood (short fibers) (see column 6, lines 16-28 and 46-64). Additives are selected from the groups of strength additives, absorbency additives, and softener additives, and mixtures thereof. Softener additives are given at column 11, lines 59 to column 14, line 55. Included among the softener additives are numerous surfactants (surface active agents). Absorbency additives are given in column 14, line 56 to column 15, line 63. Absorbency additives are used to enhance or decrease the rate of absorbency of the tissue. Among the absorbency additives are alkyl ketene dimers (column 15, line 26), which are used to decrease the rate of absorbency. It is clearly disclosed in Trokhan that an absorbency additive can be used with a softener additive. See also column 12, lines 43-47, which suggests simultaneous addition of different types of additives. Thus, Trokhan teaches a soft, absorbent tissue having a surface active agent and a ketene dimer sizing agent. The tissue may be creped or throughdried (column 6, lines 30-46). The tissue is prepared preferably to have an absorbency rate of less than 10 seconds (column 16, line 43). Example 1 illustrates a multi-layered tissue comprised of three layers, including at least one layer of predominately short papermaking fibers and a layer of predominately long papermaking fibers. The multi-layered tissue is made on a Fourdrinier with multi-chambered headbox. An aqueous slurry of the fibers not containing the additives is delivered onto a forming wire from which water is removed. The additives are applied onto the web following drying and/or creping.

3. Claims 1, 18, 19, and 21 are rejected under 35 U.S.C. 102(e) as being anticipated by Cabell et al (US 5,908,707).

Cabell discloses processes for making wet cleaning wipes comprising a paper carrier web that controls absorbency and a high internal phase emulsion applied to the carrier. The carrier is essentially a tissue web. The carrier layer is made from furnishes comprising softwood (long fibers) and hardwood (short fibers). A sizing agent is added to carrier web to decrease the rate of absorbency. See column 11, lines 11-39. Note the use of ketene dimer sizing agents. The sizing agent is added internally at the wet end of the papermaking process. The high internal phase emulsion comprises an external lipid phase and an internal polar phase with a surfactant. See column 15, line 25 to column 18, line 54 for surfactants. Thus, Cabell teaches a soft, absorbent tissue having a surface active agent (surfactant) and a ketene dimer sizing agent. The tissue is made on a Fourdrinier wherein an aqueous slurry of the fibers containing the sizing agent is delivered onto a forming wire from which water is removed.

***Allowable Subject Matter***

Claim 9-16 are allowed.

The following is a statement of reasons for the indication of allowable subject matter:

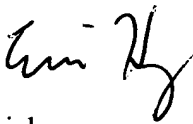
The claims are allowable for providing that the wettability of the sheet is equivalent to a sheet of the same composition but without sizing. This is not taught or suggested by the applied references above, as both teach using sizing agents in a manner to decrease absorbency.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric Hug whose telephone number is 571 272-1192. The examiner can normally be reached on Monday through Friday, 10:00 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven Griffin can be reached on 571 272-1189. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



jeh